

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07-CR-16**

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
vs.)
)
MELISSA BEDFORD BLALOCK,)
 Defendant,)
and)
)
MH HOSPITAL MANAGER, LLC,)
 Garnishee.)

ORDER

This matter is before the Court on the Government's Second Motion for Order of Continuing Garnishment. Doc. 41.

On June 28, 2004, the United States District Court for the Western District of Louisiana entered a judgment against Defendant following her convictions for conspiracy and embezzling and failing to refund federal funds. As a term of the Judgment, Defendant was ordered to pay an assessment of \$1,500.00 and restitution of \$54,293.00 to the United States Department of Education. An Amended Judgment was entered on July 21, 2004 and jurisdiction was later transferred to this district. Doc. 1. The balance due as of July 14, 2021 is \$19,791.14. Doc. 41 at 1.

On July 15, 2021, the Court entered a Writ of Continuing Garnishment (the “Writ”). Doc. 30. The record indicates that the Writ and associated materials were sent to and received by Defendant and the Garnishee.

On August 16, 2021, the Garnishee filed its Answer, which indicates that the Garnishee has in its custody, control, or possession, property or funds owned by or owing to Defendant, in particular, employment earnings. Doc. 33.

Defendant received a copy of the Garnishee’s Answer on October 22, 2021, and may have received a copy previously from the Garnishee. Doc. 41, Exhibit B.

Pursuant to federal debt collection procedures, a judgment debtor or the United States may file a written objection to the answer of a garnishee and request a hearing. Such filings are due “within 20 days after receipt of the answer.” 28 U.S.C. § 3205(c)(5).

Defendant has not requested a hearing with regard to the potential garnishment, and the statutory time period to do so has expired. 28 U.S.C. §§ 3205(c)(5), 3205(c)(7).

IT IS THEREFORE ORDERED THAT:

1. The Government’s Second Motion for Order of Continuing Garnishment (Doc. 41) is **GRANTED** and an Order of Continuing Garnishment is **ENTERED** in the amount of \$19,791.14 as computed through July 14, 2021.

2. The Garnishee is directed to pay the United States the maximum allowable garnishment from Defendant's aggregate disposable earnings for any workweek, pursuant to 15 U.S.C. § 1673, that being the lesser of (1) 25 percent of Defendant's disposable weekly earnings, or (2) the amount by which Defendant's disposable weekly earnings exceed 30 times the federal minimum wage.
3. The payments shall continue until the debt to the United States is paid in full, until the Garnishee no longer has custody, possession, or control of any property belonging to Defendant, or until further Order of this Court, whichever first occurs.
4. The Garnishee is **DIRECTED** to advise the Government if Defendant's employment is terminated at any time by either the Garnishee or Defendant.

Signed: December 2, 2021



W. Carleton Metcalf
United States Magistrate Judge

